

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.22 RCW

ACQUISITION, MANAGEMENT AND DISPOSITION OF STATE FOREST LANDS

PART I General Provisions

RCW ~~76.12.020~~ 79.22.010 Powers of department--Acquisition of land for reforestation--Taxes, cancellation.

The department ~~shall have~~ has the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forest lands; and may acquire by gift or purchase any lands of the same character. The department ~~shall have~~ has the power to seed, plant and develop forests on any lands, purchased, acquired or designated by it as state forest lands, and shall furnish such care and fire protection for such lands as it shall deem advisable. Upon approval of the board of county commissioners of the county in which ~~said~~ the land is located such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the department shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be canceled, and the county treasurer shall thereupon proceed to make such cancellation in the records of ~~his office~~ the county treasurer. Thereafter, such lands shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under RCW ~~76.12.030~~ 79.22.040.

{see definition of "state forest lands" in RCW 79.02.010}

[1988 c 128 § 23; 1937 c 172 § 1; 1929 c 117 § 1; 1923 c 154 § 3; RRS § 5812-3. Prior: 1921 c 169 § 1, part.]

RCW ~~76.12.080~~ 79.22.020 Acquisition of forest land--Requisites.

The department shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and reforestation. Acquisitions made pursuant to this section shall be at no more than fair market value. No lands shall ever be acquired by the department except

upon the approval of the title by the attorney general and on a conveyance being made to the state of Washington by good and sufficient deed. No forest lands shall be designated, purchased, or acquired by the department unless the area so designated or the area to be acquired shall, in the judgment of the department, be of sufficient acreage and so located that it can be economically administered for forest development purposes.

[2000 c 148 § 1; 1988 c 128 § 28; 1923 c 154 § 4; RRS § 5812-4. Prior: 1921 c 169 § 1, part.]

RCW ~~76.12.155~~ 79.22.030 Record of proceedings, etc.

The ~~commissioner of public lands~~ department shall keep in ~~his~~ its office in a permanent bound volume a record of all forest lands acquired by the state and any lands owned by the state and designated as such by the department. The record shall show the date and from whom said lands were acquired; amount and method of payment therefor; the forest within which said lands are embraced; the legal description of such lands; the amount of money expended, if any, and the date thereof, for seeding, planting, maintenance or care for such lands; the amount, date and source of any income derived from such land; and such other information and data as may be required by the department.

[1988 c 128 § 34; 1923 c 154 § 9; RRS § 5812-9. Formerly RCW 43.12.140.]

RCW ~~76.12.030~~ 79.22.040 Deed of county land to department—~~Disposition of proceeds.~~

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW ~~76.12.020~~ 79.22.010 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department in the same manner as other state forest lands. ~~Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:~~

~~—— (1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.~~

~~—— (2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county with a population of less than sixteen thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment. (strikeout moved to 79.64.110)~~

{see definition of “state forest lands” in RCW 79.02.010}

[1997 c 370 § 1; 1991 c 363 § 151; 1988 c 128 § 24; 1981 2nd ex.s. c 4 § 4; 1971 ex.s. c 224 § 1; 1969 c 110 § 1; 1957 c 167 § 1; 1951 c 91 § 1; 1935 c 126 § 1; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3b); RRS § 5812-36.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

{ Add note: Disposition of proceeds: see RCW 79.64.110 }

**RCW ~~76.12.120~~ 79.22.050 Sales and leases of timber, timber land, or products thereon--
Disposition of revenue.**

Except as provided in RCW ~~76.12.125~~ 79.22.060, all land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the ~~timber and other products~~ valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state ~~granted~~ lands if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

~~Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:~~

~~—— (1) Fifty percent shall be placed in the forest development account.~~

~~—— (2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.~~

{strikeout moved to 79.64.110} {“granted” is redundant in “state granted land.”}

[2000 c 148 § 2; 1998 c 71 § 2. Prior: 1988 c 128 § 32; 1988 c 70 § 1; 1980 c 154 § 11; 1971 ex.s. c 123 § 4; 1955 c 116 § 1; 1953 c 21 § 1; 1923 c 154 § 7; RRS § 5812-7.]

Notes:

Purpose--Effective dates--Savings--Disposition of certain funds--Severability--1980 c 154: See notes following chapter 82.45 RCW digest.

Christmas trees--Cutting, breaking, removing: RCW 79.40.070 and 79.40.080.

{ Add note: Disposition of revenue: see RCW 79.64.110 }

RCW ~~76.12.125~~ 79.22.060 Transfer, disposal of lands without public auction--Trespass resolution--Requirements.

(1) With the approval of the board ~~of natural resources~~, the department may directly transfer or dispose of state forest lands ~~acquired under this chapter~~ without public auction, if such lands consist of ten contiguous acres or less, or have a value of twenty-five thousand dollars or

less. Such disposal may only occur in the following circumstances:

- (a) Transfers in lieu of condemnation; and
- (b) Transfers to resolve trespass and property ownership disputes.

(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

(3) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed.

{lands acquired under this chapter are defined as "state forest lands."}

[2000 c 148 § 3.]

RCW ~~76.12.140~~ 79.22.070 ~~Logging of land~~ Forest and land management--Rules and regulations--Penalty.

~~Any State forest lands acquired by the state under RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, and 76.12.140, or any amendments thereto, shall be logged, protected and cared for in such manner as to insure ensure natural reforestation of such lands, and to that end the department shall have power, and it shall be its duty to make adopt rules and regulations, and amendments thereto, governing logging operations on such areas, and to embody in any contract for the sale of timber on such areas, such conditions as it shall deem advisable, with respect to methods of logging, disposition of slashings, and debris, and protection and promotion of new forests. All such rules and regulations, or amendments thereto, shall be adopted by the department under chapter 34.05 RCW. Any violation of any such rules shall be a gross misdemeanor unless the department has specified by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW.~~

{see definition of "state forest lands" in RCW 79.02.010}

[2000 c 11 § 10; 1988 c 128 § 33; 1987 c 380 § 17; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3a); RRS § 5812-3a. Prior: 1921 c 169 § 2.]

Notes:

Effective date--Severability--1987 c 380: See RCW 7.84.900 and 7.84.901.

RCW ~~76.12.090~~ 79.22.080 Utility bonds.

For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the department may issue utility bonds of the state of Washington, ~~in an amount not to exceed two hundred thousand dollars in principal, during the biennium expiring March 31, 1925, and such other amounts as may hereafter be authorized by the legislature. Said bonds shall bear interest at not to exceed the rate of two percent per annum which shall be payable annually. Said bonds shall never be sold or exchanged at less than par and accrued interest, if any, and shall mature in not less than a period equal to the time necessary to develop a merchantable forest on the lands exchanged for said bonds or purchased with money derived from the sale thereof. Said~~ The bonds shall be known as state forest utility bonds. The principal or interest of said the bonds shall not be a general obligation of the state, but shall be payable

only from the forest development account. The department may issue ~~said the~~ bonds in exchange for lands selected by it in accordance with ~~RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, and 76.12.140~~ RCW 79.64.110 and this chapter, or may sell ~~said the~~ bonds in such a manner as it deems advisable, and with the proceeds purchase and acquire such lands. Any of ~~said the~~ bonds issued in exchange and payment for any particular tract of lands may be made a first and prior lien against the particular land for which they are exchanged, and upon failure to pay ~~said the~~ bonds and interest thereon according to their terms, the lien of ~~said the~~ bonds may be foreclosed by appropriate court action.

{outdated language deleted in recodification}

[2000 c 11 § 8; 1988 c 128 § 29; 1937 c 104 § 1; 1923 c 154 § 5; RRS § 5812-5.]

RCW 76.12.100- 79.22.090 Bonds--Purchase price of land limited--Retirement of bonds.

For the purpose of acquiring, seeding, reforestation and administering land for forests and of carrying out ~~RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, and 76.12.140, RCW 79.64.110 and the provisions of this chapter~~ the department is authorized to issue and dispose of utility bonds of the state of Washington in an amount not to exceed one hundred thousand dollars in principal during the biennium expiring March 31, 1951 ÷ ~~PROVIDED, HOWEVER, That~~ However, no sum in excess of one dollar per acre shall ever be paid or allowed either in cash, bonds, or otherwise, for any lands suitable for forest growth, but devoid of such, nor shall any sum in excess of three dollars per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Any utility bonds issued under the provisions of this section may be retired from time to time, whenever there is sufficient money in the forest development account, said bonds to be retired at the discretion of the department either in the order of issuance, or by first retiring bonds with the highest rate of interest.

[2000 c 11 § 9; 1988 c 128 § 30; 1949 c 80 § 1; 1947 c 66 § 1; 1945 c 13 § 1; 1943 c 123 § 1; 1941 c 43 § 1; 1939 c 106 § 1; 1937 c 104 § 2; 1935 c 126 § 2; 1933 c 117 § 1; Rem. Supp. 1949 § 5812-11.]

RCW 76.12.035 79.22.100 Reacquisition from federal government of lands originally acquired through tax foreclosure--Agreements.

Whenever any forest land which shall have been acquired by any county through the foreclosure of tax liens, or otherwise, and which shall have been acquired by the federal government either from said county or from the state holding said lands in trust, and shall be available for reacquisition, the ~~state board of natural resources~~ and the board of county commissioners of any such county are ~~hereby~~ authorized to enter into an agreement for the reacquisition of such lands as state forest lands in trust for such county. Such agreement shall provide for the price and manner of such reacquisition. The ~~state board of natural resources~~ is authorized to provide in such agreement for the advance of funds available to it for such purpose from the forest development account, all or any part of the price for such reacquisition so agreed upon, which advance shall be repaid at such time and in such manner as ~~in said agreement~~

provided in the agreement, solely from any distribution to be made to said county under the provisions of RCW ~~76.12.030~~ 79.64.110; that the title to said lands shall be retained by the state free from any trust until the state shall have been fully reimbursed for all funds advanced in connection with such reacquisition; and that in the event of the failure of the county to repay such advance in the manner provided, the said forest lands shall be retained by the state to be administered and/or disposed of in the same manner as other state forest lands free and clear of any trust interest therein by said county. Such county shall make provisions for the reimbursement of the various funds from any moneys derived from such lands so acquired, or any other county trust forest board lands which are distributable in a like manner, for any sums withheld from funds for other areas which would have been distributed thereto from time to time but for such agreement.

[1959 c 87 § 1.]

RCW ~~76.12.070~~ 79.22.110 Reconveyance to county in certain cases.

Whenever any county shall have acquired by tax foreclosure, or otherwise, lands within the classification of RCW ~~76.12.020~~ 79.22.010 and shall have thereafter contracted to sell such lands to bona fide purchasers before the same may have been selected as forest lands by the department, and has heretofore deeded or shall hereafter deed because of inadvertence or oversight such lands to the state or to the department to be held under RCW ~~76.12.030~~ 79.22.040 or any amendment thereof; the department upon being furnished with a certified copy of such contract of sale on file in such county and a certificate of the county treasurer showing said contract to be in good standing in every particular and that all due payments and taxes have been made thereon, and upon receipt of a certified copy of a resolution of the board of county commissioners of such county requesting the reconveyance to the county of such lands, is hereby authorized to reconvey such lands to such county by quitclaim deed executed by the department. Such reconveyance of lands hereafter so acquired shall be made within one year from the conveyance thereof to the state or department.

[1988 c 128 § 27; 1941 c 84 § 1; Rem. Supp. 1941 § 5812-3g.]

RCW ~~76.12.067~~ 79.22.120 Reconveyance to county of certain leased lands.

If the board of natural resources determines that any forest lands deeded to the board or the state pursuant to this chapter, which are leased to any county for uses which have as one permitted use a sanitary landfill and/or transfer station, are no longer appropriate for management by the board, the board may reconvey all of the lands included within any such lease to that county. Reconveyance shall be by quitclaim deed executed by the chairman of the board. Upon execution of such deed, full legal and equitable title to such lands shall be vested in that county, and any leases on such lands shall terminate. A county that receives any such reconveyed lands shall indemnify and hold the state of Washington harmless from any liability or expense arising out of the reconveyed lands.

[1991 c 10 § 1.]

PART II

Transfers of State Forest Lands for Public Park Purposes

RCW ~~76.12.072~~ 79.22.300 ~~Transfer of state forest lands back to county for public park use--Procedure--Reconveyance back when use ceases .~~

Whenever the board of county commissioners of any county shall determine that state forest lands, that were acquired from such county by the state pursuant to RCW ~~76.12.030~~ 79.22.040 and that are under the administration of the department ~~of natural resources~~, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board ~~of natural resources~~ for the transfer of such forest lands.

Upon the filing of an application by the board of county commissioners, the department ~~of natural resources~~ shall cause notice of the impending transfer to be given in the manner provided by RCW 42.30.060. If the department ~~of natural resources~~ determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said state forest lands to the requesting county to have and to hold for so long as the state forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department ~~of natural resources~~ to coordinate the management of any adjacent state owned lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other state owned lands in the area. The application shall be denied if the department ~~of natural resources~~ finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department ~~of natural resources~~ upon request of the department.

[1983 c 3 § 195; 1969 ex.s. c 47 § 1.]

RCW ~~76.12.073~~ 79.22.310 ~~Transfer of state forest lands back to county for public park use--Timber resource management.~~

The timber resources on any such state forest land transferred to the counties under RCW ~~76.12.072~~ 79.22.300 shall be managed by the department ~~of natural resources~~ to the extent that this is consistent with park purposes and meets with the approval of the board of county commissioners. Whenever the department ~~of natural resources~~ does manage the timber resources of such lands, it will do so in accordance with the general statutes relative to the management of all other state forest lands.

[1969 ex.s. c 47 § 2.]

RCW ~~76.12.074~~ 79.22.320 ~~Transfer of state forest lands back to county for public park use~~—Lands transferred by deed.

Under provisions mutually agreeable to the board of county commissioners and the board of ~~natural resources~~, lands approved for transfer to a county for public park purposes under the provisions of RCW ~~76.12.072~~ 79.22.300 shall be transferred to the county by deed.

[1969 ex.s. c 47 § 3.]

RCW ~~76.12.075~~ 79.22.330 ~~Transfer of state forest lands back to county for public park use~~—Provisions cumulative and nonexclusive.

The provisions of RCW ~~76.12.072~~ 79.22.300 through ~~76.12.075~~ 79.22.330 shall be cumulative and nonexclusive and shall not repeal any other related statutory procedure established by law.

[1969 ex.s. c 47 § 4.]